

R E M A R K S

Claims 7-12 and 14-22 are pending and await action on the merits.

Claims 1-6 and 13 have been canceled.

Claims 15 and 16 have been amended to more clearly define the invention.

New claim 22 finds support on page 25, line 9, page 38, lines 11-16, page 39, line 2 and page 40, line 4.

No new matter has been added by way of the above-amendment.

1) Page 2, second paragraph of the Office Action:

The Examiner objects to claims 1-6 and 13 and claims 15-21 as being substantially duplicative of each other. In order to clarify the invention, Applicants have canceled claims 1-6 and 13. As such, withdrawal of the objection is respectfully requested.

2) Page 2, third paragraph and spanning page 3 of the Office Action:

Claims 1-3, 13 and 15-17 have been rejected as being anticipated by Demina et al. (Chem. Abstracts 117:48472, 1992). Applicants respectfully traverse the rejection.

This rejection has been rendered moot with respect to canceled claims 1-3 and 13. With respect to claims 15-17, the

Examiner asserts that the compound (Registry #142267-33-2) of Demina et al. anticipates the compound of formulae I and Ia when:

Q together with -N-C=N- forms a 4-pyrimidone ring;

R_A or R₁₁ is phenyl;

Y is hydrogen; and

X is phenyl.

Applicants respectfully submit that claim 15 no longer encompasses this compound of Demina et al. in view of the fact that R_A of claim 15 is no longer a phenyl group.

Applicants respectfully submit that claims 16 and 17 no longer encompass this compound of Demina et al. in view of the fact that Y of claims 16 and 17 is no longer a hydrogen atom.

As the MPEP directs, all the claim limitations must be taught or suggested by the prior art to establish a *prima facie* case of anticipation. See MPEP § 2131. In view of the fact that Demina et al. fail to teach or suggest the genus of compounds of claims 15 and 16, a *prima facie* case of anticipation can no longer be said to exist.

As such, withdrawal of the rejection is respectfully requested.

3) Page 3, second paragraph of the Office Action:

The Examiner provisionally rejects claims 1-21 for obviousness-type double patenting over: A) Claims 1-6 and 13-18 of App. No. 10/125,548; B) Claims 1-3 of App. No. 10/669,414; and C) Claims 1-28 of App. No. 10/679,466.

Applicants note with appreciation that the Examiner has brought to Applicants' attention that there may be obviousness-type double patenting issues over the cited applications. However, Applicants respectfully request that the Examiner issues a Notice of Allowance in this case and deals with possible double patenting issues in the other applications. This procedure is described in MPEP 804(I)(B), and reads as follows:

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

In accordance with MPEP 804(I)(B), Applicants respectfully request that the Examiner issues a Notice of Allowance in this

case and deals with possible double patenting issues in the other applications.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1020.00 is attached hereto.

If the Examiner has any questions concerning this application, the Examiner is requested to contact MaryAnne Armstrong, Reg. No. 40,069 at the telephone number of (703) 205-8000.

In view of the above amendments, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By  #43575
MaryAnne Armstrong ^{for}
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH,
LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-
0747
(703) 205-8000
Attorney for Applicant